

*Support claim section
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MEMORANDUM FOR: Acting Deputy Director (Support)

SUBJECT: P. L. 88-553


1. On 31 August 1964 the President signed P. L. 88-553 which provides for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service.
2. The act defines "agency" to include "an executive department, independent establishment, or corporation primarily acting as an instrumentality of the United States", but the term does not include any contractor with the United States.
3. The act authorizes heads of agencies to prescribe regulations pursuant to which they may pay claims for not more than \$6,500 made by a member of the uniformed services under the jurisdiction of their agency or by a civilian officer or employee of their agency, for damage to, or loss of, personal property incident to his service. The requirement that the damage or loss be "incident to his service" is to be liberally construed and in general merely indicates that the loss must bear some substantial relation to the claimant's service (Fidelity Phoenix Fire Ins. Co. of N. Y. v. U. S., D. C. Cal. 1953, 111 F. Supp. 899, 903. See for example 32 CFR 836.28 et seq.).
4. The act further provides that the claim may be allowed only if:
 - (1) It is presented in writing within two years after it accrues (except in special circumstances);

(2) It did not accrue at quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) It was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

5. This act is not retroactive--it grants authority to pay only those claims "arising after the effective date of this Act". In addition, the act requires the head of each agency to report annually to Congress on claims settled pursuant to its provisions.

6. The Office of General Counsel stands ready to render whatever assistance may be necessary in your preparation of implementing regulations.


Legislative Counsel

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Attachment

cc: O/Finance
O/Personnel
Ex/Dir/Compt

Distribution:

Orig & 1 - Addressee
1 - OGC/LC Subject
1 - OGC/LC Chrono
1 - OGC/LC Signer ✓

OGC/LC/PJC:bw (10 Sept 64)



Public Law 88-558
88th Congress, H. R. 6910
August 31, 1964

An Act

78 STAT. 767.

To provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1964".

Military Personnel and Civilian Employees' Claims Act of 1964.
Definitions.

SEC. 2. As used in this Act—

(1) "agency" includes an executive department, independent establishment, or corporation primarily acting as an instrumentality of the United States, but does not include any contractor with the United States;

(2) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

(3) "settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

SEC. 3. (a) Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than \$6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before its enactment.

(b) If a person named in subsection (a) is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by subsection (a). Claims of survivors shall be settled and paid in the order named.

Deceased persons.

(c) A claim may be allowed under subsection (a) for damage to, or loss of, property only if—

Conditions.

(1) it is presented in writing within two years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purposes of subsection (c) (1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the

Report to Congress.

Pub. Law 88-558

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August 31, 1964

78 STAT. 768.

report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

Sec. 4. Notwithstanding any other provision of law, the settlement of a claim under this Act is final and conclusive.

10 USC 2731-
2736.

70A Stat. 155.

Sec. 5. Chapter 163 of title 10, United States Code, is amended, effective two years from the date of this Act, as follows:

(1) Section 2735 is amended by striking out the figure "2733" and the comma after the figure "2733".

(2) The analysis is amended by striking out the following item:

"2732. Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees."

Repeals.

72 Stat. 1461.
14 USC 461-511.

(3) Section 2733 is repealed.

Sec. 6. Section 2 of the Act of June 7, 1956, chapter 376 (70 Stat. 255), is repealed.

Sec. 7. Chapter 18 of title 14, United States Code, is amended, effective two years from the date of this Act, as follows:

(1) The analysis is amended by striking out the following item:

"490. Settlement of claims of military and civilian personnel."

63 Stat. 534;
72 Stat. 882.

(2) Section 490 is repealed.

Approved August 31, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 460 (Comm. on the Judiciary).

SENATE REPORT No. 1423 (Comm. on the Judiciary).

CONGRESSIONAL RECORDS:

Vol. 109 (1963): July 15, passed House.

Vol. 110 (1964): Aug. 14, considered and passed Senate, amended.

Aug. 20, House concurred in Senate amendment.